IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO.15322 of 2004

Between:

Shetty Malshetty S/o. Rachappa,Occ; Retired, R/o. Mangalpet, Narayankhed Town and Mandal, Medak District.

..... PETITIONER

AND

1.Mandal Revenue Officer, Narayankhed Mandal, Narayanakhed,

Medak District.

2 Madhavarao Sagar S/o. Sri Amrutrao, Advocate
R/o. Narayankhed, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Certiorari calling for the records relating to Proc.No.F/8072/2004 dt.27.7.2004 on the file of the 1st respondent and to quash the same as being illegal, arbitrary, violative of Principles of natural justice and also violative of Articles 14 and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.P.VENUGOPAL, Advocate.

Counsel for the Respondent No.1: Govt. Pleader for REVENUE

The Court at the stage of admission made the following:

Oral Order:

Petitioner claims to be the owner and possessor of the land in Sy.No.23, Jukal village, Narayankhed Mandal, Medak District filed the present writ petition questioning the proceedings issued by the MRO, Narayankhed dated 27-07-2004. By the impugned order the MRO on an application made by the 2nd respondent for mutation ordered for incorporation of entries in Sy.No.23 in occupation column over an extent of Ac.2.20 gts. stating that the same is in possession of the 2nd respondent as per the written statement said to have been filed by the petitioner in a civil suit and the statements of third parties, which were produced by the 2nd respondent.

Prima-facie, the impugned order does not disclose issuance of any notice before ordering change in the revenue records. When the petitioner approached the MRO for supply of copies of application filed by the 2nd respondent for mutation, the statements of the 3rd parties filed by the 2nd respondent and the impugned order said to have been passed by the MRO, the MRO by his Memo dated 13-08-2004 informed the petitioner that the same cannot be given to the petitioner.

In view of the same, MRO, Narayankhed—1st respondent is hereby directed to

provide copies of application made by the 2nd respondent for mutation, statements of 3rd parties filed by the 2nd respondent, which were entertained by him for change/mutation in the revenue records, within 10 days from the date of receipt of a copy of this order and on making available the said copies, petitioner is at liberty to file an appeal against the impugned order passed by the MRO and can assail all the grounds now raised in the writ petition. However, the impugned order shall not be given effect to for a period of four weeks from today.

The writ petition is accordingly disposed of.

_____ A.GOPAL REDDY, J.

27-08-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Mandal Revenue Officer, Narayankhed Mandal,
Narayanakhed, Medak District.
2. Two CCs to the Govt. Pleader for Revenue, High Court Buildings

Hyderabad (OUT)

3 Two CD copies.